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ON PAGE A-12

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Intelligence Agency Upheld In Its Refusal to Release Data

WASHINGTON, Sept. 21 (AP) — A Federal appeals court ruled today that Harrison E. Salisbury, a retired associate editor and correspondent of The New York Times, was not entitled to National Security Agency documents that mention his name because their release would harm national security.

The three-judge panel of the United States Court of Appeals for the District of Columbia ruled unanimously that the agency was correct in withholding the documents and a lower court judge had properly upheld the decision.

The appellate panel also held that Mr. Salisbury was not entitled to \$10,000 in damages as compensation for what he said were violations of his constitutional rights and his right of privacy under common law.

Meanwhile, another Federal appeals court panel here ruled that it could not prohibit future intelligence operations such as Operation Chaos, a program in which the Central Intelligence Agency gathered intelligence to determine whether foreign governments or political organizations supported domestic critics of the Vietnam War. The program, begun in 1967 under President Johnson and ended after the Vietnam

War, included extensive domestic spying.

Twenty-one individuals and five organizations who asserted that their rights had been violated by the program had filed suit seeking Government documents and an injunction to prohibit similar programs in the future.

A three-judge panel held unanimously that a lower court judge had properly restricted release of many requested documents on the ground of national security and had been right in refusing to grant an injunction prohibiting similar conduct in the future.

In the Salisbury decision, the court noted that the journalist had said he had sent numerous communications "from locations of great intelligence interest" including Hanoi, the capital of Vietnam.

Mr. Salisbury said he had learned from requests made under the Freedom of Information Act that the C.I.A. and F.B.I. had maintained records on him that were supplied by the National Security Agency, whose mission is communications security and foreign intelligence information. But the agency asserted that revealing "the fact of interception would jeopardize the national security."